

REMARKS/ARGUMENTS

Claims 1-14 and 18-36 are active in this application, claims 15-17 and 37-40 having been cancelled.

The present invention relates to a method for electroblowing nanofibers comprising: forcing a polymer fluid through a spinneret in a first direction towards a collector located a first distance from the spinneret, to form submicron sized nanofibers, while simultaneously blowing a gas through an orifice that is substantially concentrically arranged around the spinneret, wherein the gas is blown substantially in the first direction to contact the nanofibers;

wherein an electrostatic differential is generated between the spinneret and the collector; and

collecting the nanofibers;

wherein the polymer fluid comprises a member selected from the group consisting of hyaluronan, copolymers of hyaluronan and mixtures thereof.

The claims stand rejected under 35 U.S.C. 103 over Kim in view of Gravett. As acknowledged by the Examiner, Kim does not disclose the use of their process to produce hyaluronan fibers. In fact, Kim mentions only a handful of polymers useful in their process (see paragraph [0020] of Kim) none of which are biopolymers such as hyaluronan.

The Examiner has used the reference of Gravett to suggest the use of hyaluronan in the method of Kim. However, as previously noted, Gravett is not available as prior art against the present invention. The Examiner has objected to Applicants' previous Declaration filed to establish an earlier invention date on various grounds. Applicants provide herewith a new Declaration that responds to those concerns. In particular, the new Declaration is signed by all 4 named co-inventors, is directed to the Gravett et al reference (as

well as the Kim reference), and includes a statement that the present invention was made in the United States, a NAFTA member country or WTO member country.

Further, the Declaration explains how the SBIR proposal submitted by Drs. Chu, Hsiao and Fang clearly notes at the top of page 2 of the proposal three patent applications that were filed regarding electrospinning (not electroblowing as in the present application), and which describe various polymers of interest. Copies of the patents resulting from those applications are attached to the Declaration as Exhibit B. Those patents clearly disclose hyaluronan polymer. As noted in the Declaration, the research proposal submitted to the SBIR program describes the invention sufficiently to show that the inventors had conceived the invention of combining electrospinning and melt blowing into a single process. Thus, Applicants have established an invention date at least as early as August 14, 2002.

Gravett, on the other hand, was published July 29, 2004, after Applicants filing date of October 1, 2003, and thus is only capable of being applicable prior art under the provisions of 35 U.S.C. 102(a) or (e). Gravett can only be effective as prior art as of its earliest priority date of September 26, 2002, more than one month after the date of Applicants research proposal. Accordingly, Gravett is not available as prior art.

Without the Gravett reference, the Examiner's rejection for obviousness based on the combination of Kim and Gravett cannot stand and should be withdrawn.

As there are no other remaining rejections, Applicants submit that the application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



J. Derek Mason, Ph.D.  
Attorney of Record  
Registration No. 35,270

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)